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| APPLICATION NO                                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO | CONFIRMATION NO |
|---|-------------|----------------------|--------------------|-----------------|
| 09/926,779  | 05/28/2002  | Minoru Kotato        | 2175521/S2PCT      | 1469            |
| 22870   | 7590        | 06/01/2004           |                    |                 |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. |             |                      |                    |                 |
| 1940 DUKE STREET                                  |             |                      |                    |                 |
| ALEXANDRIA, VA 22314                              |             |                      |                    |                 |
|   |             |                      | EXAMINER           |                 |
|   |             |                      | WEINER, LAURA S    |                 |
|   |             | ART UNIT             | PAPER NUMBER       |                 |
|   |             | 1745                 |                    |                 |

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

D9/926,779

Applicant(s)

KOTATO ET AL.

Examiner

Laura S Weiner

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 11 is/are allowed.  
6) ☒ Claim(s) 1, 5-7, 9, 10 and 12 is/are rejected.  
7) ☒ Claim(s) 2-4, 8 and 13 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1448 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other, \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments with respect to claims 1-13 are have been considered but are moot in view of the new ground(s) of rejection. The rejection of claims 1-13 under 35 U.S.C. 102(a) as being anticipated by Omi et al. (JP 2000-12080, translation) has been withdrawn because certified translation of the Japanese priority documents have been submitted which have filing dates earlier than January 2000.

***Claim Rejections - 35 USC § 102***

2. Claims 1, 5-7, 9-10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura et al. (JP 4-87156, translation).

Yoshimura et al. teaches on page 1 of the translation, a nonaqueous electrolytic cell comprising a negative electrode formed of lithium, a positive electrode, a solute and a solvent where the solvent is composed of at least one compound selected from vinylethylene carbonate, 2-vinyl-1,3-dioxolane, 1,2-dimethoxyethylene, etc. Yoshimura et al. teaches on page 3, that the positive electrode comprises manganese dioxide and a carbon powder. Yosimura et al. teaches on pages 3-4 of the translation, that LiCF<sub>3</sub>SO<sub>3</sub> as a solute is dissolved in a mixed solvent comprises an equal volume of vinylethylene carbonate [50 vol%, teaching claim 4, present in an amount of not less than 20 vol%] and 1, 2-dimethoxyethane having chain type unsaturated carbon-carbon bonds. Yoshimura et al. teaches on the bottom of page 4 to page 5, that it is thought that if vinylethylene carbonate is used as the solvent, then the electron-donating vinyl

Art Unit: 1745

group suppresses the reaction between ethylene carbonate and the negative electrode. Yoshimura et al. teaches on page 5 of the translation that the solvent of the electrolyte comprises an equal volume of 2-vinyl-1,3-dioxolane and propylene carbonate. [Therefore teaching 50 vol% of vinyl ethylene carbonate and 50 vol% of PC or EC].

***Allowable Subject Matter***

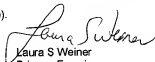
3. Claim 11 is allowed.
4. Claims 2-4, 8, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura S Weiner whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura S Weiner  
Primary Examiner  
Art Unit 1745

May 26, 2004